# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/734,285 | 12/15/2003 | Seiji Miyamoto | 2018-804 | 1799 |

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| 23117 7590 12/14/2006 | | EXAMINER |
| NIXON & VANDERHYE, PC | | BROADHEAD, BRIAN J |

| | ART UNIT | PAPER NUMBER |
|---|---|---|
| NIXON & VANDERHYE, PC<br>901 NORTH GLEBE ROAD, 11TH FLOOR<br>ARLINGTON, VA 22203 | 3661 | |

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _27 September 2006_.

2a)☒ This action is **FINAL**.　　2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _16-23_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _16-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some *　c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Claim Objections*

1.      Claims 16-23 are objected to because of the following informalities:

2.      In claim 16, line 15, is the "made in accordance with a required specification" referring to the application program or PF interface?

3.      In claim 16, line 22, is it the program that executes the processing or the computer?  Earlier in the claim the computer does the execution at the direction of the program.

4.      In claim 16, line 20, is this "required specification" the same as the previously mentioned one?  If application program and platform program interfaces are built to the same specification, why is there a need for the coupling program?

5.      Appropriate correction is required.

### *Specification*

6.      The abstract of the disclosure is objected to because there are references to the claims in the specification, for example on page 9, but some of the claims are no longer part of the application or have been significantly amended and the discussion in the specification no longer corresponds.  Correction is required.  See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 112*

7.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

8.      Claims 18, 21, and 23 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

9.      The claims are generally narrative and indefinite, failing to conform with current

U.S. practice.  They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors.

10.      In claim 18, it appears that the PF interface is being called a structure of data

provided through the PF interface.

11.      In claim 21, the phrase "is referred by the processing using the application

program" doesn't seem to make sense with respect to the data converted.

## Claim Rejections - 35 USC § 102

1.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.      Claims 16 through 23 are rejected under 35 U.S.C. 102(b) as being fully

anticipated by Sakai et al., 6343249.

3.      Sakai et al. disclose a computer (2); a first memory on line 21, on column 5; a

second memory on lines 23-25, on column 5; a platform program for making a computer

execute processing for acquiring data and outputting data based on the acquired data

and storing the first data in a first section of the second memory on lines 50-59, on

column 7, and all of column 4, and lines 50-55, on column 10; an application program

for making the computer execute processing for generating data of an output object on

lines 64-67, on column 6; a coupling processing program on lines 44-48, on column 7;

the platform program is a program for acquiring an output from processing using the

coupling processing program in accordance with a PF interface as an interface

standardized so as to be commonly utilized by processing using the application program

made in accordance with a required specification of a different control apparatus on

lines 41-59, on column 7, and lines 45-55, on column 2; the coupling processing

program has a command code for making the computer execute processing to acquire

the data provided by the application program and to convert the data provided from the

processing using the application program so that the data is adapted to the PF interface

in accordance with and AP interface satisfying the required specification of the control

apparatus for a vehicle of a developing object, and to mediate converted data in the

processing using the platform program and the second data being stored in a second

section of the second memory that is under a management of the coupling processing

program on lines 15-51, on column 7, on lines 1-5, on column 13; the platform program

performing inputting an storing at a first interval and the coupling program performs

converting and storing at a second predetermined interval and transferring the data

when there is a request on lines 26-47, on column 8; the data accuracy is changed in

the conversion process on lines 40-61, on column 7.

### Response to Arguments

4.      Applicant's arguments filed 9-27-06 have been fully considered but they are not

persuasive. The argument that there aren't two separate areas of memory under

separate control by different program parts is not convincing. The conversion program

has its own memory area (see lines 1-4, on column 13) and the platform program has

its own memory area (see lines 50-58, on column 10). As per the argument with

respect to intervals, Sakai et al. discloses that the converted data can be output at any

desired interval. The different intervals are functional language that the invention of

Sakai is capable of performing.

5.      Applicant also mailed in a request for interview form. However, at the end of the

remarks in the amendment the applicant requested to be contacted if it would further

prosecution. The examiner does not feel that an interview at this time would further

prosecution.

### *Conclusion*

6.      Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJB

THOMAS BLACK
SUPERVISORY PATENT EXAMINER